

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.24, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 88, “Volunteer Health Care Provider Program,” Iowa Administrative Code.

These amendments provide clarification on surgery to be performed in a volunteer health care provider clinic, where surgery can be performed, who can perform the surgery, and the required follow-up for the surgery. The amendments also alphabetically organize the health care provider professions eligible to receive Volunteer Health Care Provider Program (VHCPP) protection. Definitions have been added to provide further clarification regarding the VHCPP.

Any interested person may make written comments on these proposed amendments on or before December 21, 2010, addressed to Dawn Mouw, Division of Health Promotion and Chronic Disease Prevention, Department of Public Health, 8809 Woodmayr Circle, Norwalk, Iowa 50211; E-mail dawn.mouw@idph.state.ia.us.

Also, a public hearing will be held on Tuesday, December 21, 2010, from 9 to 10 a.m on GoToMeeting. Interested persons may join the meeting by computer by accessing the following Web site: <https://www1.gotomeeting.com/join/847635881>. The use of microphone and speakers (VoIP) or a headset is recommended. Or interested persons may join the meeting by telephone in the U.S. and Canada (toll-free) 1-877-568-4106; the access code is 847-635-881, and an audio PIN will be shown after the person joins the meeting. Persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to participate in the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department to advise of specific needs.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.24.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definitions in rule **641—88.2(135)**:

“*Major dental surgery*” means oral or maxillofacial surgery which requires deep sedation or general anesthesia.

“*Minor dental surgery*” means the simple minimally invasive removal of teeth and soft tissue incisions, including the surgical removal of a small foreign body, drainage of infection and small cysts, or the surgical removal of broken or decayed teeth at or below the gum line.

“*Minor surgical procedure*” means a surgical procedure ordinarily performed in a private provider’s office, free clinic, or specialty health care provider office.

ITEM 2. Amend rule **641—88.2(135)**, definitions of “Sponsor entity” and “Sponsor entity agreement,” as follows:

“*Sponsor entity*” or “*sponsor entity clinic*” means a hospital, clinic, free clinic, health care facility, health care referral program, charitable organization, specialty health care provider office or field dental clinic. Each sponsor entity has a fully executed sponsor entity agreement. The sponsor entity agreement shall allow an individual volunteer health care provider to deliver health care services to uninsured and underinsured persons as an agent of the state.

“*Sponsor entity agreement*” means a signed contract between the VHCPP and a hospital, clinic, free clinic, health care facility, health care referral program, charitable organization, specialty health care

provider office or field dental clinic allowing an individual volunteer health care provider to deliver free health care services through the VHCPP at the sponsor entity location.

ITEM 3. Amend paragraphs **88.3(2)“d”** and **“e”** as follows:

d. The protected clinic shall submit a list of the clinic board of directors and contact information for the board of directors, if applicable.

e. ~~The~~ If the protected clinic is a charitable organization within the meaning of Section 501(c)(3) of the Internal Revenue Code, the protected clinic shall submit provide proof of IRC Section 501(c)(3) status to the VHCPP.

ITEM 4. Amend subrule 88.3(3) as follows:

88.3(3) Sponsor entity or sponsor entity clinic. As a condition of sponsoring individual volunteer health care providers in the VHCPP, a hospital, clinic, free clinic, health care facility, health care referral program, charitable organization, specialty health care provider office or field dental clinic shall comply with subrules 88.4(1) through 88.4(5).

ITEM 5. Amend subparagraph **88.5(1)“d”(1)** as follows:

(1) Advanced registered nurse practitioners for: well-child examinations; annual adult examinations; diagnosis and treatment of acute and chronic conditions; health education; health maintenance; immunizations; and minor surgical procedures. Certified registered nurse anesthetists may provide anesthesia services for major surgical procedures only if the following conditions are satisfied:

1. The surgery is performed in a hospital as defined in Iowa Code section 135B.1(3) or an outpatient surgical facility as defined in Iowa Code section 135.61(21);

2. The hospital or outpatient surgical facility at which the surgery is performed has executed a sponsor entity agreement;

3. The physician performing the surgery provides or assures the provision of adequate presurgical and postsurgical care, including any follow-up necessary to address postoperative complications; and

4. The physician performing the surgery is an individual specialty health care provider or part of a group of specialty health care providers which has registered with the department as a specialty health care provider office.

ITEM 6. Amend subparagraph **88.5(1)“d”(3)** as follows:

(3) Bachelor social workers for: psychosocial assessment and intervention through direct contact with clients; referral to other qualified resources for assistance; performance of social histories; problem identification; establishment of goals and monitoring of progress; interviewing techniques; counseling; social work administration; supervision; evaluation; interdisciplinary consultation and collaboration; ~~and research of service delivery, including development and implementation of organizational policies and procedures in program management.~~

ITEM 7. Amend subparagraph **88.5(1)“d”(7)** as follows:

(7) Dentists for: ~~dental examinations; diagnosis and treatment of acute and chronic conditions; health education; health maintenance; and minor surgical procedures~~ primary dental care services; minor dental surgery; and major dental surgery.

1. Minor dental surgery is a covered health care service only if the following conditions are satisfied:

● The dentist performs the surgery at a sponsor entity or protected clinic; and

● The dentist provides or assures the provision of adequate presurgical and postsurgical care, including any follow-up necessary to address postsurgical complications.

2. Major dental surgery is a covered health care service only if the following conditions are satisfied:

● The dentist performs the surgery in the dentist’s private office or other facility at which major dental surgery is ordinarily performed;

● The dentist provides or assures the provision of adequate presurgical and postsurgical care, including any follow-up necessary to address postsurgical complications; and

3. The dentist performing the surgery is an individual specialty health care provider or part of a group of specialty health care providers which has registered with the department as a specialty health care provider office.

ITEM 8. Amend subparagraphs **88.5(1)“d”(15) to (20)** as follows:

~~(15) Optometrists for: examinations; diagnosis and treatment of the human eye and adnexa; health education; and health maintenance.~~

~~(15) (16) Pharmacists for: drug dispensing; patient counseling; health screenings and education; and immunizations.~~

~~(16) (17) Physical therapists for: interpretation of performance, tests, and measurements; evaluation and treatment of human capabilities and impairments; use of physical agents, therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment; establishment and modification of physical therapy program; treatment planning; and patient instruction/education.~~

~~(17) (18) Physicians and physician assistants for: well-child examinations; annual adult examinations; diagnosis and treatment of acute and chronic conditions; health education; health maintenance; immunizations; and minor surgical procedures. Physicians may perform major surgical procedures if the following conditions are satisfied:~~

~~1. The surgery is performed in a hospital as defined in Iowa Code section 135B.1(3) or an outpatient surgical facility as defined in Iowa Code section 135.61(21);~~

~~2. The hospital or outpatient surgical facility at which the surgery is performed has executed a sponsor entity agreement;~~

~~3. The physician provides or assures the provision of adequate presurgical and postsurgical care, including any follow-up necessary to address postoperative complications; and~~

~~4. The physician performing the surgery is an individual specialty health care provider or part of a group of specialty health care providers which has registered with the department as a specialty health care provider office.~~

~~(19) Podiatrists for: examinations; diagnosis and treatment; health education; health maintenance; and minor surgical procedures.~~

~~(18) (20) Psychologists for: counseling and the use of psychological remedial measures with persons with adjustment or emotional problems.~~

~~(19) Optometrists for: examinations; diagnosis and treatment of the human eye and adnexa; health education; and health maintenance.~~

~~(20) Podiatrists for: examinations; diagnosis and treatment; health education; health maintenance; and minor surgical procedures.~~

ITEM 9. Amend subrule 88.6(1) as follows:

88.6(1) The claim involves medical injury alleged to have been proximately caused by health care services which were identified and approved in the protection or sponsor agreement with the VHCPP and then only to the extent the health care services were provided by or under the direct supervision of the individual volunteer health care provider, including claims based on negligent delegation of health care, or the individual volunteer health care provider is named as a defendant solely because of the individual volunteer health care provider's participation in the protected clinic or sponsor entity clinic.

ITEM 10. Amend subrule 88.6(6) as follows:

88.6(6) The individual volunteer health care provider, protected clinic, or sponsor entity clinic is eligible and registered as provided in rule 641—88.3(135) or the care is provided by ~~an individual volunteer~~ a health care provider who holds current professional liability insurance coverage and an active unrestricted license to practice in Iowa under Iowa Code chapter 147A, 148, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 153, 154, 154B, 154C, 154D, 154F, or 155A and has been approved by the VHCPP.